

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 7, 2005 PLANNING COMMISSION MEETING

PROJECT #: Street Vacation #05011

PROPOSAL: Vacate the west 7' of 23rd Street between Vine and "U" Streets.

LOCATION: 23rd and Vine Streets.

LAND AREA: 978 square feet, more or less.

CONCLUSION: The vacation of this right-of-way is consistent with the approved Liberty Village community unit plan and the Comprehensive Plan, provided necessary public easements are retained.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The west 7' of 23rd Street right-of-way, between the south line of Vine Street and the north line of "U" Street, located in the SW1/4 of Section 24 T10N R6E, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	Multiple-family dwellings	R-6 Residential
South:	Single-family dwellings	R-6 Residential
East:	Single-family dwellings	R-6 Residential
West:	Fraternity	R-6 Residential

HISTORY:

Sep 2004 Special Permit #04025 approved the Liberty Village community unit plan, containing 16 single-family lots. The plans did not include the lots fronting 23rd Street, but are currently being revised to include that property.

UTILITIES: This right-of-way includes a section of the overhead electrical and telephone facilities running along "U" Street, as well as a section of 8" sewer main. Easements will be retained for these facilities.

ANALYSIS:

1. This is a request to vacate a portion of 23rd Street right-of-way in order to facilitate the anticipated expansion of the Liberty Village community unit plan.

2. The character of this area is somewhat defined by variation. Setbacks are not consistent, rights-of-way have been vacated in some areas but not in others, and building orientation on corner lots changes from block to block.
3. The existing right-of-way width in 23rd Street is 100 feet. The typical right-of-way for a residential street is 60 feet, or 30 feet from centerline. If this vacation is approved, the width from centerline of the remaining 23rd Street right-of-way abutting the project site would be 43 feet. Also, this 7' section of right-of-way contains the public sidewalk. A bond will be required to relocate the sidewalk within the remaining right-of-way.
4. Petitioner is requesting this vacation in order to accommodate a proposed site expansion for the Liberty Village CUP. The vacation is requested to provide greater site area for the project, consistent with the approved plan. An administrative amendment has been requested to add this area to the development provided it is vacated. However, the new lots shown on that amendment encroach into the required sight triangle at the street intersections and must be revised.
5. Alltel, LES, and Public Works have existing public utilities located within this right-of-way. Easements should be retained for the existing and future facilities. However, easements over the entire area would conflict with the proposed redevelopment of the site. Petitioner may work with the utilities to establish acceptable easement locations that minimize impact upon the proposed site plan. Alternatively, Petitioner has the option of relocating the facilities at his own cost.
6. The Parks and Recreation Department has identified two mature Hackberry street trees within the right-of-way that should be retained. A condition requiring the retention of these trees should be included in the amendment that adds this property to the approved permit.
7. This vacation will not create lots without frontage or access to a public street. However, the Public Works Department recommends that a final plat be approved identifying the location of the retained easements.
8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prior to transfer of title to the vacated right-of-way:

- 2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and identify the locations of public easements. All requirements of the final plat shall have been completed, except the transfer of ownership of the vacated street to the subdividers.
- 1.3 Provide permanent easements for existing and future utilities over the entire vacated area, or provide easements to the satisfaction of Alltel, LES, and the Director of Public Works. Alternatively, Petitioners may work with the utilities to relocate the existing facilities at Petitioners' cost.
- 1.4 Provide a bond in the amount of \$720 to guarantee the relocation and construction of the public sidewalk in 23rd Street within two (2) years of the date of the transfer of title to the vacated right-of-way.

Prepared by:

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov

Date: November 21, 2005

Applicant: City of Lincoln, Nebraska
and Marc Wullschleger, Director, Urban Development Department
Owner: 808 P Street, Suite 400
Lincoln, NE 68508
441.7606

Contact: Brighton Construction Company
Fernando Pages
938 North 70th Street, Suite 108
Lincoln, NE 68505
434.2456



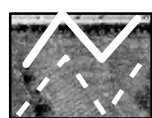
2005 aerial

Street & Alley Vacation #05011 2301 Vine Street

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 24 T10N R6E



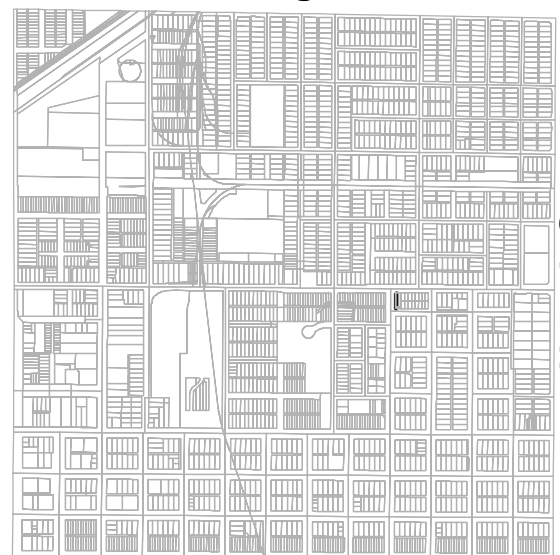
Zoning Jurisdiction Lines

City Limit Jurisdiction

Holdrege St.

N. 14th St.

N. 27th St.



O St.



BRIAN D.
CARSTENS
& ASSOCIATES

LAND USE PLANNING
RESIDENTIAL
& COMMERCIAL
DESIGN

601 OLD CHENEY ROAD
LINCOLN, NE 68512

PHONE: 402-444-2224
FAX: 402-444-2225
@2004 CARSTENS, INC.

LIBERTY
VILLAGE
FIRST
ADDITION

ADMINISTRATIVE
AMENDMENT

TO
COMMUNITY
UNIT PLAN
#04025

N. 24TH & VINE
STREETS

LINCOLN, NE

SITE
PLAN

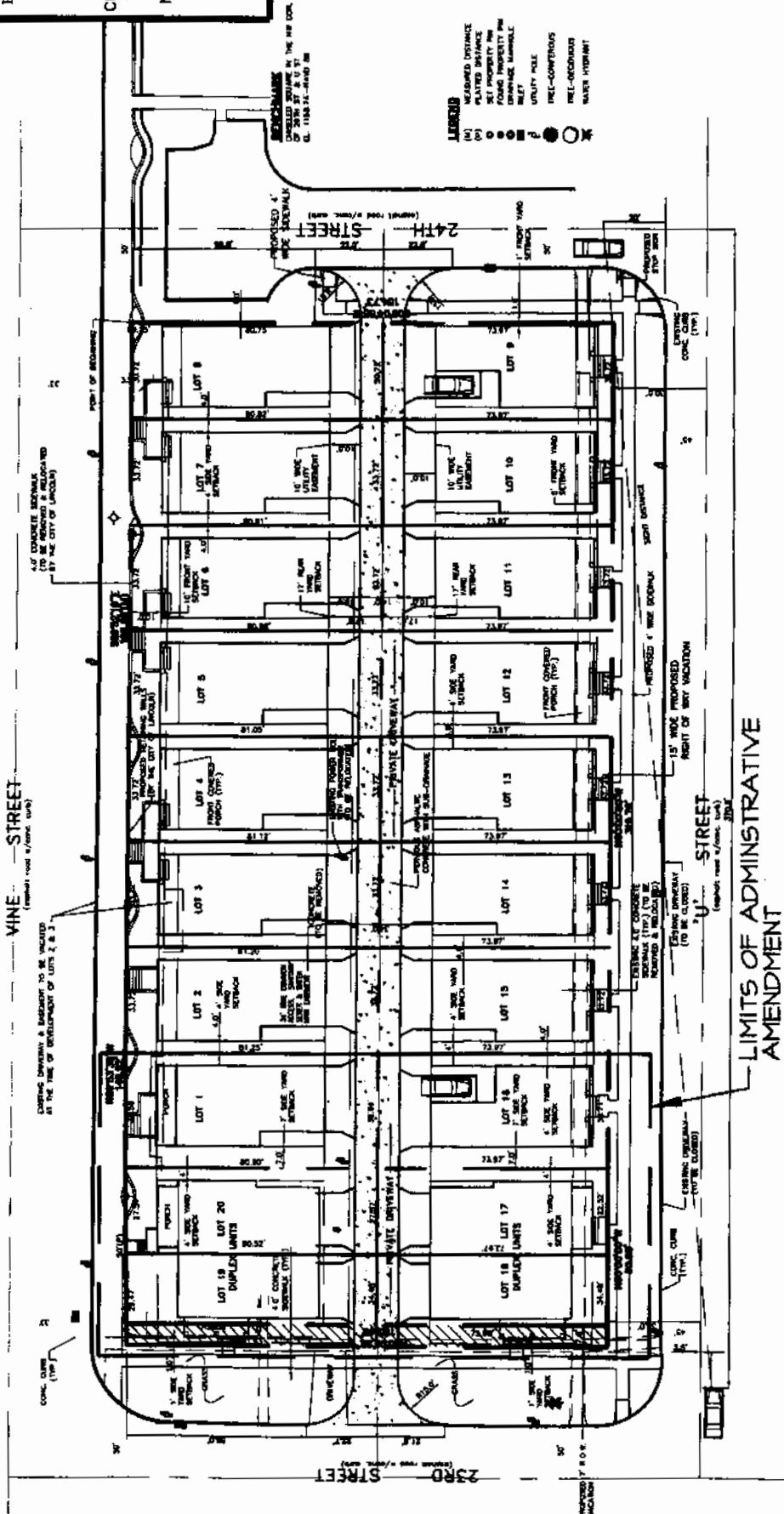


SCALE: 1" = 20'

PROJECT #03127
DATE: 11/10/04
DRAWN BY: JACOB
CHECKED BY: JACOB
APPROVED BY: JACOB

E.S.P.
CONSULTING
ENGINEERS

601 OLD
CHENEY RD.
SUITE 'A'
LINCOLN
NEBRASKA
68512



DENSITY CALCULATIONS

- 4.5 DENSITY
- 4.5 units per acre x 1.14 acres = 5.13 units
- 14.17 / 3.05 (average size of lots) = 4.65
- 4.65 UNITS ALLOWED BY DENSITY
- 20 UNITS PER ACRE

SHEET LEGEND

- 1. SITE PLAN
- 2. PLAT
- 3. PLAT
- 4. PLAT
- 5. PLAT
- 6. PLAT
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- 16. PLAT
- 17. PLAT
- 18. PLAT
- 19. PLAT
- 20. PLAT

REQUESTED MATTERS

- 1. Name of the preliminary plat is requested.
- 2. Name of the proposed plat is requested.
- 3. Name of the proposed plat is requested.
- 4. Name of the proposed plat is requested.
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- 9. Name of the proposed plat is requested.
- 10. Name of the proposed plat is requested.

1. NAME OF THE PRELIMINARY PLAT	2. NAME OF THE PROPOSED PLAT
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17. NAME OF THE PROPOSED PLAT	18. NAME OF THE PROPOSED PLAT
19. NAME OF THE PROPOSED PLAT	20. NAME OF THE PROPOSED PLAT

GENERAL NOTES

- 1. THIS CITY CONTAINS 20 BLOCKS.
- 2. THE CURRENT ZONING IS 4-A.
- 3. THE MINIMUM BUILDING HEIGHT SHALL NOT EXCEED 10 FEET.
- 4. THE DEVELOPER / OWNER REQUESTS THE RIGHT TO BUILD WITHIN THE CITY.
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- 20. THE DEVELOPER / OWNER REQUESTS THE RIGHT TO BUILD WITHIN THE CITY.

LEGAL DESCRIPTION

A legal description of the property is provided in the accompanying plat. The property is located in the City of Lincoln, Nebraska, and is subject to the following conditions: 1. The property is to be used for residential purposes only. 2. The property is to be used for residential purposes only. 3. The property is to be used for residential purposes only. 4. The property is to be used for residential purposes only. 5. The property is to be used for residential purposes only. 6. The property is to be used for residential purposes only. 7. The property is to be used for residential purposes only. 8. The property is to be used for residential purposes only. 9. The property is to be used for residential purposes only. 10. The property is to be used for residential purposes only. 11. The property is to be used for residential purposes only. 12. The property is to be used for residential purposes only. 13. The property is to be used for residential purposes only. 14. The property is to be used for residential purposes only. 15. The property is to be used for residential purposes only. 16. The property is to be used for residential purposes only. 17. The property is to be used for residential purposes only. 18. The property is to be used for residential purposes only. 19. The property is to be used for residential purposes only. 20. The property is to be used for residential purposes only.